

Application No.: 10/720,488

Docket No.: 2038-309

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 2-21 are pending in the application. Claims 4 has been rewritten in independent form including all limitations of base claim 1. Claim 1 has been cancelled without prejudice or disclaimer. Claims 2-3 and 5-10 have been amended to improve claim language. New claims 11-21 have been added to provide Applicants with the scope of protection to which they are believed entitled. The specification and Abstract have been revised to overcome the Examiner's objections. No new matter has been introduced through the foregoing amendments.

The objections to the specification and Abstract are believed overcome in view of the above amendments.

The art rejections relying on *Pozniak* (U.S. Patent No. 6,099,516) are noted. It is acknowledged that *Pozniak* appears to teach a diaper having friction zones (34, 36) for preventing surface-to-surface radial shifting or bending of the diaper's front portion with respect to the diaper's fastening tabs. The *Pozniak* friction zones can be positioned either on the fastening tabs (FIGs. 1, 6) or on opposite sides of the landing zone (FIG. 8). The friction zones are formed by friction elements which comprise foam, non-woven fabric made of elastomeric fibers, films, skid-resistant coatings, and bristles. See *Pozniak* at column 8, lines 20-67.

However, the *Pozniak* reference fails to teach or suggest two features of the disclosed embodiments of the present invention. First, the *Pozniak* diaper lacks a slip zone adjacent the anti-slip zone, as recited in original claim 3. Second, the friction zones of *Pozniak* do not include a mixture of elastic and inelastic fibers, as recited in original claim 4. As disclosed in column 8, lines 31-38 of *Pozniak*, the reference's non-woven fabric contains only elastomeric (i.e., elastic) fibers.

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The original claims have been amended to emphasize the above distinctions between the claimed invention and *Pozniak*.

Thus, the art rejections of the original claims are believed overcome in view of the above claim amendments, because claim 1 has been cancelled and claims 2-3, and 5-10 have been amended to include the "inelastic" feature of original claim 4.

The Examiner's inherency/obviousness arguments against claim 4 are not persuasive and therefore traversed. For example, the Examiner's well known allegations are traversed as being evidentially unsupported. The Examiner is kindly asked to cite reference or references of good date that show(s) the allegedly well-known features. *See MPEP*, section 2144.03 (As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute.")

New independent claim 11, like original claim 4, is patentable over the applied art of record because the art, especially *Pozniak*, fails to teach or suggest a disposable diaper, comprising, among other things, antislip zones which comprise a mixture of elastic fibers made of a plastic elastomer and inelastic fibers made of a thermoplastic material.

Claims 12, 5, 20 and 21 depend from claim 11, and are considered patentable at least for the reason advanced with respect to claim 11. The dependent claims are also believed patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art, as will be apparent to the Examiner upon reviewing these claims.

New independent claim 13 includes the "slip zone" feature of original claim 3. In particular, independent claim 13 is directed to a disposable diaper, comprising, among other things, slip zones and antislip zones each being positioned in said transverse direction between one of the slip zones and the landing zone. This claim finds support in the application as filed, at, e.g., FIG. 2,

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elements 46, 44 and 26. The most relevant disclosure of *Pozniak* appears to be FIG. 8 with friction zones 36, and a landing zone near 26. A person of ordinary skill in the art would at once recognize that *Pozniak* lacks slip zones as presently claimed.

Accordingly, new independent claim 13 is patentable over the art. Claims 14-19 depend from claim 13, and are considered patentable at least for the reason advanced with respect to claim 13. Claims 14-19 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art, as will be apparent to the Examiner upon reviewing these claims.

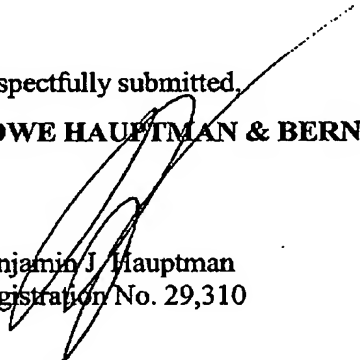
Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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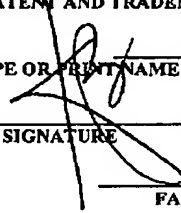
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